UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,849	01/20/2004	Kuldeep Jain	871.0119.U1(US)	3072

29683 7590 07/23/2007
HARRINGTON & SMITH, PC
4 RESEARCH DRIVE
SHELTON, CT 06484-6212

EXAMINER	
PATEL, DHAIRYA A	
ART UNIT	**PAPER NUMBER**
2151	
MAIL DATE	**DELIVERY MODE**
07/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/761,849	JAIN ET AL.	
	Examiner	Art Unit	
	Dhairya A. Patel	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 July 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action responsive to communication filed on 7/5/2007. Claims 1-40 are presented for examination.

2. This amendment has been fully considered and entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4,6-7,9-10,12-16,18-19,21-22,25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al. U.S. Patent # 6,192,041 (hereinafter Phillips) in view of Wang et al. U.S. Patent # 6,230,024 (hereinafter Wang).

As per claim 1, Phillips teaches a method to provide an Internet Protocol (IP) connection between a mobile station (MS) (Fig. 2 element 30,36) and a computing device (CD) (Fig. 1 element 10), comprising: initiating the set up of the IP connection with a command sent from the CD to the MS over a local interface (column 1 lines 18-36)(column 3 lines 49-64);

The reference teaches setting up the connection to send out data packets by sending command AT+CRM=1 from the user computer to the cell phone.

and in response to receiving over the local interface an IP message at the MS from the CD, routing the received IP message to an application that is resident in the MS (column 2 lines 52-67)(column 3 lines 49-67)(column 4 lines 1-8), wherein the IP

connection between MS and the CD is regardless of any connection between the MS and a cellular network (column 2 lines 52-67)(column 3 lines 23-38, lines 49-67)

The reference setting up the connection by sending out data packets (IP message) to the cell phone (Mobile station), forwarding the PPP data packets to application software packages after instructing attached modem to dial a remote modem only after receiving a notification signal (forwarding the data packets to an application). The connection between the MS and the CD is over public telephone line through Internet service provider to access internet.

Phillips is silent in teaching terminating an IP connection on the MS. Wang teaches terminating an IP connection on the MS (column 4 lines 36-53). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Wang's teaching in Phillip's teaching to come up with terminating an IP connection on the MS. The motivation for doing so would be to end connection so that a transition from voice to digital fax could start therefore being prepared to receive a digital fax (column 3 lines 36-53).

As per claim 2, Phillips and Wang teaches a method as in claim 1, but Phillips further teaches where the command is an AT command (column 1 lines 18-36).

As per claim 3, Phillips and Wang teaches a method as in claim 1, but Phillips further teaches where the command is an AT+CRM command (column 1 lines 38-51).

As per claim 4, Phillips teaches a method as in claim 1, where the command is an AT+CRM command (column 1 lines 18-36) but is silent on teaching having a value of five. It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention was made to implement in Philip's invention having AT+CRM command value of 5. The motivation for doing so would be because the user wants to switch the mode of communication because if the AT +CRM is set to 0 it is asynchronous mode and AT+CRM=1 is packet data mode, therefore the user can to switch the mode from AT+CRM=1 to AT+CRM=5 which could be set by user (column 1 lines 29-37).

As per claim 6, Phillips and Wang teaches a method as in claim 1, but Phillips further teaches where the command places the MS into an auto-answer mode (column 3 lines 1-10).

As per claim 7, Phillips and Wang teaches a method as in claim 1, but Phillips further teaches where the command is an ATSO=1 command (column 1 lines 18-36).

As per claim 9, Phillips and Wang teaches a method as in claim 1, but Phillips further teaches where the local interface comprises a wired interface (column 3 lines 28-33).

As per claim 10, Phillips and Wang teaches a method as in claim 1, but Phillips further teaches where the local interface comprises a wireless interface (column 3 lines 18-25).

As per claims 13-24, teaches same limitations claims 1-12 respectively, therefore lacks novelty under same basis.

As per claim 25, Phillips teaches a mobile station (MS) comprising a local interface and a cellular system interface, further comprising means to provide an Internet Protocol (IP) connection between said MS and a computing device (CD), said

connection means comprising means, responsive to a receipt of a command from the CD over said local interface, to initiate the set up of the IP connection (column 1 lines 18-36)(column 3 lines 49-64); and

The reference teaches setting up the connection to send out data packets by sending command AT+CRM=1 from the user computer to the cell phone.

-means, responsive to receiving an IP message from the CD over said local interface, for routing the received IP message to an application that is resident in a memory of said MS (column 2 lines 52-67)(column 3 lines 49-67)(column 4 lines 1-8) wherein the IP connection between MS and the CD is regardless of any connection between the MS and a cellular network (column 2 lines 52-67)(column 3 lines 23-38, lines 49-67)

The reference setting up the connection by sending out data packets (IP message) to the cell phone (Mobile station), forwarding the PPP data packets to application software packages after instructing attached modem to dial a remote modem only after receiving a notification signal (forwarding the data packets to an application). The connection between the MS and the CD is over public telephone line through Internet service provider to access Internet.

Phillips is silent in teaching terminating an IP connection on the MS. Wang teaches terminating an IP connection on the MS (column 4 lines 36-53). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Wang's teaching in Phillip's teaching to come up with terminating an IP connection on the MS. The motivation for doing so would be to end connection

so that a transition from voice to digital fax could start therefore being prepared to receive a digital fax (column 3 lines 36-53).

As per claim 26, Phillips and Wang teaches a MS as in claim 25, but Phillips further teaches where the command is an AT command (column 1 lines 18-36).

As per claim 27, Phillips and Wang teaches a MS as in claim 25, but Phillips further teaches where the command is an AT+CRM command (column 1 lines 38-51).

As per claim 29, Phillips and Wang teaches a MS as in claim 25, but Phillips further teaches where the command places said MS into an auto-answer mode (column 3 lines 1-10).

As per claim 30, Phillips and Wang teaches a MS as in claim 25, but Phillips further teaches where the command is an ATSO=1 command (column 1 lines 18-36).

As per claim 31, Phillips and Wang teaches a MS as in claim 25, but Phillips further teaches where said local interface comprises at least one of a wired interface and a wireless interface (column 3 lines 28-33).

As per claim 28, it teaches same limitation as claim 4, therefore rejected under same basis.

4. Claims 5,8,17,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al. U.S. Patent # 6,192,041 (hereinafter Phillips) in view of Wang et al. U.S. Patent # 6,230,024 (hereinafter Wang) further in view of Saha et al. U.S. Patent Publication # 2003/0212822 (hereinafter Saha).

As per claim 5, Phillips and Wang teaches a method as in claim 3, but Phillips further teaches further comprising:

-sending an ATD #777 command to the MS from the CD over the local interface to establish a call (column 4 lines 39-52); and establishing the IP connection over the local interface (column 1 lines 18-36). Philips fails to teach performing peer-to-peer protocol negotiations over the local interface. Saha teaches performing peer-to-peer protocol negotiations over the local interface (Paragraph 9). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Saha's teaching in Philip and Wang's teaching to come up with performing peer-to-peer protocol negotiations over local interface. The motivation for doing so would be to directly communicate with each other i.e. the peer terminals to convey the protocol context information.

As per claim 8, Phillips and Wang teaches a method as in claim 6, but Phillips further teaches further comprising: in response to an occurrence of a trigger signal at the MS, sending a ring signal to the CD over the local interface to establish a call and establishing the IP connection over the local interface (column 1 lines 18-36)(column 3 lines 49-67)(column 4 lines 1-2). Phillips fails to teach performing peer-to-peer protocol negotiations over the local interface. Saha teaches performing peer-to-peer protocol negotiations over the local interface (Paragraph 9). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Saha's teaching in Philip and Wang's teaching to come up with performing peer-to-peer protocol negotiations over local interface. The motivation for doing so would be to directly communicate with each other i.e. the peer terminals to convey the protocol context information.

As per claims 17 and 20 respectively, it teaches same limitation as claims 5 and 8 respectively, therefore rejected under same basis.

5. Claims 11-12,23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al. U.S. Patent # 6,192,041 (hereinafter Phillips) in view of Wang et al. U.S. Patent # 6,230,024 (hereinafter Wang) further in view of Brandenberger et al. U.S. Patent # 6,570,782 (hereinafter Brandenberger)

As per claim 11, Phillips and Wang teaches a method as in claim 1, but are silent on teaching where the local interface comprises an RF interface. Brandenberger teaches the local interface comprises an RF interface (column 4 lines 15-24)(column 3 lines 50-65). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Brandenberger's invention in Phillip' and Wang's invention to come up with having local interface comprising RF interface. The motivation for doing so would be so that the user can communicate using the communication interface as RF interface and to provide user input to the system or to one or more devices or components.

As per claim 12, Phillips and Wang teaches a method as in claim 1, but are silent on teaching where the local interface comprises an IR interface. Brandenberger teaches the local interface comprises an IR interface (column 4 lines 15-24)(column 3 lines 50-65). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Brandenberger's invention in Phillip and Wang's invention to come up with having local interface comprising IR interface. The motivation for doing so would be so that the user can communicate using the

communication interface as RF interface and to provide user input to the system or to one or more devices or components.

As per claims 23 and 24 respectively, it teaches same limitation as claims 11 and 12 respectively, therefore rejected under same basis.

6. Claims 32-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al. U.S. Patent # 6,192,041 (hereinafter Phillips) in view of Wang et al. U.S. Patent # 6,230,024 (hereinafter Wang) further in view of Cui et al. U.S. Patent Publication # 2004/0204069 (hereinafter Cui)

As per claim 32, Phillips and Wang teaches a MS as in claim 25, but fails to teach where the IP connection is used by the MS to execute a peer-to-peer application with the CD. Cui teaches IP connection is used by the MS to execute a peer-to-peer application with the CD (Paragraph 29). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Cui's teaching in Phillip and Wang's teaching to come up with having IP connection using peer-to-peer application. The motivation for doing so would be one could share data with the mobile device and the computing device using the same peer-to-peer application which allows a user to share or distribute data.

As per claim 33, Phillips, Wang and Cui both teaches a MS as in claim 32, but Cui further teaches where the peer-to-peer application comprises a Personal Information Management (PIM) application (Paragraph 37)(Paragraph 38)

As per claim 34, Phillips, Wang and Cui both teaches a MS as in claim 32, but Cui further teaches where the peer-to-peer application comprises one that enables data

to be transferred from the MS to the CD for storage (Paragraph 27)

As per claim 35, Phillips, Wang and Cui both teaches a MS as in claim 34, but Cui further teaches where the data comprises data generated by a camera of the MS (Paragraph 27).

As per claim 36, Phillips, Wang and Cui both teaches a MS as in claim 32, but Cui further teaches where the peer-to-peer application comprises one that enables data to be transferred from the CD to the MS for storage (Paragraph 27)

As per claim 37, Phillips, Wang and Cui both teaches a MS as in claim 36, but Cui further teaches where the data comprises music data (Paragraph 27).

As per claim 38, Phillips, Wang and Cui both teaches a MS as in claim 32, but Cui further teaches where the peer-to-peer application comprises a synchronization application (Paragraph 37)(Paragraph 38).

As per claim 39, Phillips, Wang and Cui both teaches a MS as in claim 32, but Cui further teaches where the peer-to-peer application comprises a parameter provisioning application (Paragraph 37)(Paragraph 40).

As per claim 40, Phillips, Wang and Cui both teaches a MS as in claim 32, but Cui further teaches where the peer-to-peer application comprises a debugging application (Paragraph 37)(Paragraph 51).

Response to Arguments

Applicant's arguments in respect to claims 1-40 were filed 7/5/2007 have been fully considered but they are not persuasive.

As per remarks, applicant stated the following:

A). Applicant states "one cannot modify Phillips so that laptop sends an AT command without undermining its principle of operation", therefore rejection for claim 4 is in error.

B). Applicant states Phillips des not teach "sending an ATD # 777 command to the MS" and the rejection to claim 5 and claim 17 is seen to be in error.

C). Applicant states Phillips does not teach "the command is an ATSO=1 command."

D). Applicant states Phillips does not teach " the command places the MS into an auto-answer mode".

As per remark A, Examiner respectfully disagrees with the applicant because in column 1 lines 18-36, Phillips teaches where the command is an AT+CRM command (column 1 lines 18-36) but is silent on teaching having a value of five. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement in Philip's invention having AT+CRM command value of 5. The motivation for doing so would be because the user wants to switch the mode of communication because if the AT +CRM is set to 0 it is asynchronous mode and AT+CRM=1 is packet data mode, therefore the user can to switch the mode from AT+CRM=1 to AT+CRM=5 which could be set by user (column 1 lines 29-37). Applicant argues that one cannot modify Phillips to set the AT+CRM command value to 5. In column 4 lines 32-34, Phillips teaches that AT+CRM command can be set by the

user therefore, the AT+CRM command having a value of five. Therefore Phillips teaches the claimed limitation.

As per remark B, Examiner respectfully disagrees with the applicant because in column 4 lines 19-25, lines 44-52, Phillips teaches user instructing the network application to sending and ATD command to the connected device i.e. cellular phone. In column 4 lines 40-52, Phillips teaches the user program cellular phone by entering reserved phone number #777. The user provides to the networking application a phone number that is to be dialed. Therefore Phillips teaches the claimed limitations because an ATD command is sent out, and the command can be #777.

As per remark C, Examiner respectfully disagrees with the applicant because in column 1 lines 18-36, Phillips teaches the command set to 1. Applicant argues that ATSO=1 means don't answer. Examiner would like to point out that nowhere in the claim language does it state that "ATSO=1 means don't answer". Therefore Phillips reads on the claimed limitations.

As per remark D, Examiner respectfully disagrees with the applicant because in column 3 lines 1-10, Phillips teaches engaging in "handshake protocol" session to establish the connection which means the command places the MS in automatic answer mode i.e. it is automatically engaging in handshake protocol session to establish session. Therefore Phillips teaches the claimed limitations.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A). " Cellular telephone interface system for AMPS and CDMA data services" by Willkie et al. U.S. Patent # 5,956,651.

8. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

9.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairya A. Patel whose telephone number is 571-272-5809. The examiner can normally be reached on Monday-Friday 7:00AM-4: 30PM, first Fridays OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DAP

Valencia Martin Wallace
SPE Art Unit 2151